REMARKS

The Office Action mailed September 20, 2005 considered and rejected claims 1-39 and 41-49.[1]

By this paper, claims 1, 27, 41, 43, and 46 have been amended such that claims 1-39 and 41-49 remain pending, of which claims 1, 27, 41 and 43 are the only independent claims at issue.[2]

Rejection of Claim 47 under 35 U.S.C. 112

Initially, it will be noted that claim 47 has been amended to depend from claim 46, which recites "notifying" and which therefore provides antecedent basis for the corresponding elements in claim 47. Accordingly, the 112 rejections are now overcome and moot.

Rejections under 35 U.S.C. 103

The independent claims have also been amended to more clearly recite some of the novel features of the invention over the cited art of record and to more clearly recite elements that were not fully considered by the Examiner in the last action. In particular, Applicants point out that the Examiner failed to respond to the argument regarding the previously asserted fact that the claims recite that computer executable instructions are downloaded to the mobile computing device and executed at the mobile computing device to facilitate merging updated displayable dynamic content at the mobile computing device with the layout information corresponding to the one or more references to dynamic content. As will be discussed in more detail below, the

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[1] Claim 47 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, claims 1-14, 17-19, 24-39, 41-46, and 48 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pfister et al, hereinafter *Pfister* (USPub.# 2003,0046365 A1, 3/6/2003, filed on 9/4/2001), in view of Donohue et al, hereinafter *Donohue* (US Pat.# 5,987,480, 11/16/1999), and further in view of Lewis, R., Adobe PageMill 2.0 Handbook, hereinafter *Pagemill*, Hayden Books (12/1996, chapter 10). Claim 15 remains rejected under 35 U.S.C. 103(a) as being unpatentable over *Pfister*, in view of *Donohue*, further in view of *Pagmill*, and further in view of *Twaddle* (US Pub.# 2004/0015476 A1 1/22/2004, PCT filed on 8/31/2001). Claims 16, and 20-23 remain rejected under 35 U.S.C. 103(a) as being unpatentable over *Pfister*, in view of *Donohue*, further in view of *Pagemill*, and further in view of *Orhormuru* (US Pub. # 2003/0061106 A1 3/27/2003, filed on 9/21/2001). Claims 47 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Pfister*, in view of *Donohue*, further in view of *Pagemill*, and further in view of *Omoigui* (US Pub. # 2003/0126136 A1 7/3/2003, provisional application filed on 6/22/2001. Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] Support for the new claims and amendments is drawn from various passages of the disclosure, including, but not limited to the disclosure found in paragraphs [0057].

art cited by the examiner, and in particular, *Pagemill*, only discloses that "CGI scripts are files that reside on a special directory *on the Web server*..." This is in direct contrast to what is recited by the claims of the present application; namely, that the computer executable instructions are downloaded to the mobile computing device from the network computing device and ***run at*** the mobile computing device. *Pagemill* further illustrates the importance of having the CGI scripts on the server at page 263, where *Pagemill* states that "[t]he special nature of CGI scripts is where they are stored on the server, and what they do once the server locates the file."

As reflected above, in the claims listing, the method recited in claim 1 relates to customizing arrangement of content displayed on a display device of a mobile computing device. The method includes creating a template file at a network computing device, which represents a layout for displaying content at the mobile computing device that is updated automatically and without user intervention, by (i) generating static content and layout information corresponding to the static content; (ii) generating one or more references to dynamic content and layout information corresponding to the one or more references to dynamic content, the dynamic content changing over time; and (iii) including the static content, the one or more references to the dynamic content, as well as corresponding layout information in the template file; generating computer-executable instructions for substituting, at the mobile computing device, the dynamic content for the one or more references to the dynamic content included in the template file; and transferring the template file and the computer-executable instructions to the mobile computing device in order to customize arrangement of the dynamic content at the mobile computing device. As further recited, the received template file, including the layout information is **stored at the mobile computing device** and new layout information that is transferred to the mobile computing device **replaces** existing **layout information** corresponding to the stored template file and **without replacing** the stored **template file.** Independent claim 41 recites similar limitations from the perspective of a computer program product.

Claims 27 and 43 are also directed to corresponding method and computer program product claims and that are similar to those recited in claims 1 and 41, respectively. However, claims 27 and 43 are recited from the perspective of the mobile computing device, whereas claims 1 and 41 are recited from the perspective of a server in communication with the mobile computing device.

As mentioned in the previous response, *Pfister* discloses a system and method of caching that identifies content for caching according to characteristics of the content. [0021]. *Pfister* discloses, for example, using a unique identifier to identify static content within a web page that changes infrequently and therefore may be cached and retrieved from the cache even though other parts of the web page have changed in some way. [0059]. As a result, only non-static portions of the web page require downloading when a user has cached the static portions [0060]. It appears however, that *Pfister* teaches, in direct contrast to what is asserted by the Examiner and what is recited by the claims, only downloading new content with a new web page, i.e. a web page that replaces the previous web page. For example, Figure 2 illustrates that a web page is loaded and then the cache is analyzed to see if there are static portions that can be loaded from cache. The description of Figure 2 at paragraph [0047] illustrates that static portions are cached the first time they are read, but on subsequent references (i.e. subsequent loading of a web page) then the cached static content is used.

Donohue was cited for the proposition that templates can be stored and created at an Internet server.

Pagemill is a general reference relating to CGI scripts. *Pagemill* was cited for the proposition that computer executable instructions can be transferred to a mobile computing device (claim 1) and for executing the computer-executable instructions at the mobile computing device (claim 27). However, it is not clear how *Pagemill* teaches these recited claim elements. In particular, according to page 259 and 263, the CGI scripts are stored at and reside on a special directory of the Web server. When accessed, the scripts are then executed in real-time by the server and the corresponding output is returned to the reader's browser. Accordingly, it does not appear that the CGI scripts are even transferred to or executed at the client system. Nevertheless, even if the CGI scripts were transferred to and executed at the client system (e.g., mobile computing device), the CGI scripts clearly fail to comprise layout information, such as for example, as specified in Applicant's specification and that defines the layout of static and/or dynamic content and that is updated without replacing the corresponding stored template file.

In fact, none of the cited disclosure, from any of the art, considered alone or in combination, teaches or suggests such an embodiment, as claimed, wherein the template file, including the layout information is stored at the mobile computing device, and wherein new layout information to the mobile computing device, the new layout information replacing

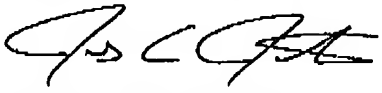
existing layout information corresponding to the stored template file and without replacing the stored template file. *Pfister*, for example, appears to suggest that with regard to changed versions (e.g., layout updates) of a web page, that a new unique identifier is assigned and the entire page is essentially replaced. [0066]

Based on at least the foregoing, Applicants respectfully submit that the cited prior art fails to anticipate or make obvious Applicants invention, as claimed for example, in independent claims 1, 27, 41, and 43, and the corresponding dependent claims. Applicants note for the record that the remarks above render the remaining rejections of record for the independent and dependent claims moot, and such that addressing individual rejections or assertions with respect to the teachings of the cited art, or with regard to any official notice, is unnecessary at the present time, but may be undertaken in the future if necessary or desirable, and Applicants reserve the right to do so. Accordingly, the fact that certain assertions have not been traversed at this time should not be construed as Applicants acquiescing to such assertions.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 1st day of December, 2005.

Respectfully submitted,



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